

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

v.

No. 1:23-cv-00108-LMB-JFA

GOOGLE LLC,

Defendant.

**DECLARATION OF GREG COLLISON IN SUPPORT OF
NON-PARTY ADOBE INC.'S SPECIFIC OBJECTIONS AND
PROPOSED REDACTIONS TO THE PARTIES' PROPOSED TRIAL EXHIBITS**

I, Greg Collison, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am Head of Product for Adobe Advertising at non-party Adobe Inc. (“Adobe”) and, by reason of my position, I am authorized and qualified to make this declaration. I have held this position since I joined Adobe in 2018. I submit this declaration in support of Adobe’s objections to the public use of and proposed public redactions of the parties’ proposed trial exhibits.

2. I have personal knowledge of the facts set forth in this declaration and could testify competently as to the matters set forth in this declaration.

3. Based on my personal knowledge and information provided to me by others at Adobe, I am generally familiar with (1) Adobe’s record keeping and systems for the documents identified below, (2) the manner in which Adobe’s documents identified below were created, stored, and maintained, and (3) the manner by which Adobe made, kept, and used these documents.

4. I understand that, in response to Google’s April 7, 2023 subpoena issued pursuant to Federal Rule of Civil Procedure 45, Adobe produced responsive documents, marked with Confidential and Highly Confidential designations as provided under the Protective Order. (ECF

No. 203).

5. Through counsel, I understand that Google notified Adobe on July 5, 2024, that it had filed its exhibit list earlier that day, at ECF No. 894, including some of Adobe's documents previously designated as Highly Confidential under the Protective Order, ECF No. 203. The exhibit list also includes exhibits that refer to information from Adobe's Highly Confidential documents.

6. As described below, DTX 386, DTX 508, DTX 1015, DTX 2122, DTX 2123, and DTX 2124 are spreadsheets containing extensive amounts of Adobe's highly confidential and competitively sensitive business data. All of these documents were designated as Highly Confidential under the Protective Order. DTX 1015, DTX 2123, and DTX 2124 are also listed as materials considered in the Appendix Sections X.A and X.B to the Expert Report of Mark Israel (Google) ("Israel Report").

7. DTX 386 lists Adobe customers and their year-on-year change in advertising spending from January/February 2016 to January/February 2017. DTX 508 contains month-by-month data for Adobe's customers, including values for the number of advertising impressions and spend, and Adobe's fees, from September 2018 to September 2020. DTX 1015 contains month-by-month data for Adobe's customers, including values for the number of advertising impressions and spend, from September 2018 to September 2020. DTX 2122 contains month-by-month data for Adobe's customers, including values for the number of advertising impressions and spend, and Adobe's fees, from October 2020 to March 2021. DTX 2123 contains month-by-month data for Adobe's customers, including values for the number of advertising impressions and spend, from October 2020 to March 2021. DTX 2124 contains month-by-month data for Adobe's customers, including values for the number of advertising impressions and spend, by supply-side platform, from May 2021 to April 2023.

8. Public use of the information contained in DTX 386, DTX 508, DTX 1015, DTX

2122, DTX 2123, and DTX 2124 would cause Adobe significant competitive harm because, among other reasons, it would allow for its competitors and customers to (1) conduct month-by-month and/or year-over-year analyses using Adobe's and its customers highly sensitive data concerning advertising impressions and spend, and (2) get an inside-look at Adobe's confidential practices surrounding how it conducts business with its customers, including Adobe's fees and specific customer information. Public use of the spreadsheets would also place Adobe at a competitive disadvantage in future negotiations with customers. In addition, public use of these spreadsheets would provide Adobe's competitors with an advantage in competing with Adobe for future business opportunities, harming competition.

9. Google's DTX 1839, attached under seal as **Exhibit A** to this declaration, contains Figure 18 from the Israel Report, titled "Google Ads and DV360 Share of U.S. Indirect Open Web Display (Non-Video) Advertiser Buying Tool Spending, 2019-2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1839 in part illustrates some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information.

10. Google's DTX 1891, attached under seal as **Exhibit B** to this declaration, contains Figure 74 from the Israel Report, titled "Advertiser Buying Tool Average Fees, 2020, 2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1891 in part illustrates some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information. Figure 74 also refers to Adobe in the chart itself.

11. Google's DTX 1892, attached under seal as **Exhibit C** to this declaration, contains Figure 75 from the Israel Report, titled "Ad Exchange Average Fees, 2020-2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1892 in part illustrates

some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information.

12. Google's DTX 1893, attached under seal as **Exhibit D** to this declaration, contains Figure 76 from the Israel Report, titled "Combined Advertiser Buying Tool and Exchange Fees, 2020-2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1893 in part illustrates some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information. Figure 76 also refers to Adobe in the chart itself.

13. Google's DTX 1943, attached under seal as **Exhibit E** to this declaration, contains Figure 130 from the Israel Report, titled "Google Ads and DV360 Combined Shares of U.S. Indirect Open Web Display (Non-Video) Advertiser Buying Tool Spending, 2019-2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1943 in part illustrates some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information.

14. Google's DTX 1955, attached under seal as **Exhibit F** to this declaration, contains Figure 142 from the Israel Report, titled "Selected Non-Google Advertiser Buying Tool U.S. Indirect Open Web Display (Non-Video) Spending, 2019-2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1955 in part illustrates some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information. Figure 142 also refers to Adobe in the chart itself.

15. Google's DTX 1982, attached under seal as **Exhibit G** to this declaration, contains Table 15 from the Israel Report, titled "Adobe U.S. Web Non-Video Display Ad Spending by Exchange, 2022." DTX 1982, as described in its title, contains Adobe's advertising spending information by exchange for the year 2022. DTX 1982 illustrates data from Adobe's highly

confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information.

16. Google's DTX 1991 contains Table 24 from the Israel Report, titled "Shares Among Advertiser Buying Tools, Ad Exchanges, and Publisher Ad Servers for All U.S. Display Advertising, 2022." Through counsel for Adobe's conversations with counsel for Google, I understand that DTX 1991 in part illustrates some of the data from Adobe's highly confidential spreadsheets DTX 1015, DTX 2123, and DTX 2124 and identifies Adobe as a source for this information. Table 24 also refers to Adobe in the chart itself.

17. Google's Appendix Sections X.A. and X.B to the Expert Report of Mark Israel list the Bates numbers for DTX 1015, DTX 2123, and DTX 2124 as materials considered by that expert. To preserve confidentiality of the parties' and non-parties' non-public information, Google has not shared a redacted version of these Appendix Sections with Adobe. Through counsel for Adobe's conversations with counsel for Google, I understand that the Appendix Sections cite data from the Adobe spreadsheets listed earlier and that Adobe is listed as a source of confidential information.

18. Also on July 5, 2024, the Department of Justice ("DOJ") notified Adobe that it filed its exhibit list, ECF No. 892-1, including one of Adobe's Confidential and Highly Confidential documents and documents based on data produced by Adobe.

19. DOJ's PTX 1308 contains Figure 139 from the Initial Expert Report of Robin S. Lee ("Initial Lee Report"), which depicts the monthly coverage of bidding tools that produced data, by advertising impressions. DOJ's PTX 1309 contains Figure 140 from the Initial Lee Report, which depicts the monthly coverage of bidding tools that produced data, by advertising spend. DOJ's PTX 1388 contains Figure 17 from the Rebuttal Expert Report of Robin S. Lee ("Rebuttal Lee Report"), which depicts the share of worldwide indirect open-web display impressions among all advertiser

bidding tools from 2018-2022. DOJ's PTX 1389 contains Figure 18 from the Rebuttal Lee Report, which depicts Google's and third-party bidding tools' shares of worldwide indirect open-web display impressions for 2022. DOJ's PTX 1432 contains Figure 69 from the Rebuttal Lee Report, which depicts the share of US indirect open-web display impressions among all advertiser bidding tools from 2018-2022. DOJ's PTX 1433 contains Figure 70 from the Rebuttal Lee Report, which depicts Google's and third-party bidding tools' shares of US indirect open-web display impressions for 2022. DOJ's PTX 1434 contains Figure 71 from the Rebuttal Lee Report, which depicts the share of worldwide indirect open-web display spending among all advertiser bidding tools from 2018-2022. DOJ's PTX 1435 contains Figure 72 from the Rebuttal Lee Report, which depicts Google's and third-party bidding tools' shares of worldwide indirect open-web display spending for 2022.

20. DOJ did not provide Adobe with a redacted or unredacted version of PTX 1308, PTX 1309, PTX 1388, PTX 1389, PTX 1432, PTX 1433, PTX 1434, and PTX 1435. Through counsel for Adobe's conversations with counsel for DOJ, I understand that these exhibits refer to Adobe and cite data from two Adobe spreadsheets—Adobe – Google Ad Tech – 00001004 and Adobe – Google Ad Tech – 00001005. These spreadsheets were produced as Highly Confidential under the Protective Order and contain the same type of highly confidential information as contained in DTX 2124. Disclosure of highly confidential information from these spreadsheets through the identified exhibits would significantly harm Adobe for the same reasons detailed in paragraphs 7 and 8.

21. Through counsel, I understand that DTX 1839, DTX 1891, DTX 1892, DTX 1893, DTX 1943, DTX 1955, DTX 1982, DTX 1991, Appendix Sections X.A and X.B to the Israel Report, PTX 1308, PTX 1309, PTX 1388, PTX 1389, PTX 1432, PTX 1433, PTX 1434, and PTX 1435 may contain highly confidential information derived from the Adobe spreadsheets—DTX

1015, DTX 2123, DTX 2124, Adobe – Google Ad Tech – 00001004, and Adobe – Google Ad Tech – 00001005. Disclosure of highly confidential information from these spreadsheets through the identified exhibits or the Appendix Sections would significantly harm Adobe for the same reasons detailed in paragraphs 7 and 8.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

[Signature on next page]

Executed: July 26, 2024
San Francisco, California



Greg Collison (Jul 26, 2024 08:31 PDT)

Greg Collison
Head of Product
Adobe Advertising